

1/31/12 10:27:33
DEBOTO COUNTY, MS
M.E. DAVIS, CH CLERK

SUBSTITUTED TRUSTEE'S NOTICE OF SALE

WHEREAS, on March 14, 2003, Eugene and Frances H. Whiting, husband and wife, executed a Deed of Trust to Glenn K. Brown, Trustee, for the benefit of North Delta Planning and Development District, Inc., which Deed of Trust is recorded in Book 1699 at Page 0082 of the Land Mortgage and Trust Deed Records in the office of the Chancery Clerk of Desoto County, Mississippi; and

WHEREAS, North Delta Planning and Development District, Inc., the holder of the aforesaid Deed of Trust and the indebtedness secured thereby, substituted Edward P. Connell, Jr., as Trustee in said Deed of Trust, as authorized by its terms, by Substitution of Trustee dated July 20, 2011, which is recorded in Book 3329 at Page 258 of the aforesaid records; and

WHEREAS, default having been made in the terms and conditions of the aforesaid Deed of Trust, and the entire indebtedness secured by said Deed of Trust having been declared to be due and payable in accordance with its terms and conditions, and the legal holder of said indebtedness, North Delta Planning and Development District, Inc., having requested the undersigned Substituted Trustee to execute the trust and sell the real property described in said Deed of Trust, in accordance with its terms and conditions, for the purpose of raising the sum due thereunder, together with attorney's fees, Substituted Trustee's fees and expenses of sale;

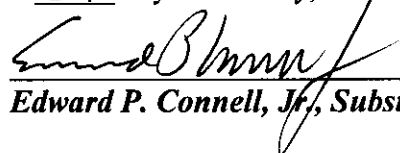
NOW, THEREFORE, I, Edward P. Connell, Jr., Substituted Trustee in the aforesaid Deed of Trust, will on the 2nd day of March, 2012, offer for sale at public outcry to the highest bidder for cash, and will sell within legal hours (being between the hours of 11:00 a.m. and 4:00 p.m.) at the east front door of the County Courthouse of Desoto County, Mississippi, at Hernando, Mississippi, the following described real property situate and lying in Desoto County, Mississippi, to-wit:

3-2-12

Lot 1721, Section D, DeSoto Village Subdivision, Located in Section 33, Township 1 South, Range 8 West, as shown by the recorded plat in Plat Book 10, Page 9, in the Office of the Chancery Clerk of DeSoto County, Mississippi.

I will convey title to the property subject to: (1) the lien of ad valorem and other taxes; (2) the Deed of Trust in favor Novastar Mortgage, Inc., dated June 9, 1998, recorded in Book 1012, Page 342 of the aforesaid records and assigned to First Union National Bank on November 17, 1998, recorded in Book 1070 at Page 10, and modified by the Loan Modification Agreement dated September 28, 2005, and recorded in Book 2522, Page 661 of the aforesaid records; (3) the Deed of Trust to First Tennessee Bank National Association dated August 13, 2004, recorded in Book 2079, Page 536; (4) the Judgment filed against Frances Whiting dated December 21, 2010; (5) the Judgment against Eugene Whiting dated January 22, 2009; and (6) the Judgment against Eugene Whiting dated October 22, 2008. Further, I will convey only such title as is vested in me as Substituted Trustee.

WITNESS MY SIGNATURE this, the 27th day of January, 2012.



Edward P. Connell, Jr., Substituted Trustee

OF COUNSEL:

Merkel & Cocke
A Professional Association
30 Delta Avenue
Post Office Box 1388
Clarksdale, Mississippi 38614
(662) 627-9641

PUBLISHED: February 9, 2012, February 16, 2012, February 23, 2012, March 1, 2012

POSTED at the County Courthouse of Desoto County, Mississippi, at Hernando, Mississippi, on this, the _____ day _____, 2012.

ATTEST:

***W.E. Davis, Chancery Clerk of
Desoto County, Mississippi***

By: _____ D.C.

NOTICE OF SUBSTITUTE TRUSTEE'S SALE

WHEREAS, by Deed of Trust (the "Deed of Trust") dated October 9, 2007, of record in Book 2813, Page 742, and modified by that Modification of Deed of Trust dated February 11, 2011, of record in Book 3284, Page 264, in the Office of the Chancery Clerk for DeSoto County, Mississippi, Kenneth L. Atkins, Jr. ("Borrower"), did convey in trust to Thomas F. Baker, IV, as Trustee, a certain tract of land to secure payment of a debt in the principal sum of \$300,000.00 payable to First Tennessee Bank National Association ("First Tennessee"), said Deed of Trust is incorporated herein by reference;

WHEREAS, First Tennessee is the true and lawful owner and holder of the debt aforesaid, which is secured by the Deed of Trust ("the Debt");

WHEREAS, by Substitution of Trustee recorded in Book 3391, Page 797, in the Office of the Chancery Court Clerk of DeSoto County, Mississippi, First Tennessee, exercising its authority as such owner and holder, appointed R. Spencer Clift, III, as Substitute Trustee under the Deed of Trust; and

WHEREAS, default has been made in the payment of Debt and obligations secured by said Deed of Trust, and First Tennessee, as the owner and holder of the Debt has declared the entire balance due and payable and has instructed the undersigned Trustee to foreclose said Deed of Trust in accordance with its terms and provisions;

NOW, THEREFORE, by the authority vested in me as Trustee under said instruments, I will on **Friday, the 2nd day of March, 2012, between the hours of 11:00 am and 4:00 pm** at the East entrance of the DeSoto County Courthouse, 2535 Highway 51 South, Hernando, Mississippi, offer for sale and sell at public auction to the highest and best bidder for cash the property therein conveyed which is situated in the State of Mississippi, County of Desoto, and is described as follows:

Lot 17, 1st Addition, Mineral Wells Commercial Subdivision, located in Section 19, Township 1 South, Range 6 West, as shown in plat of record in Plat Book 86, Page 1, in the Chancery Clerk's Office of DeSoto County, Mississippi, to which plat reference is hereby made for a more particular description of said property.

Being the same property conveyed to Kenneth Atkins by Warranty Deed of record in Book 562, Page 678, in the Office of the Chancery Court Clerk of DeSoto County, Mississippi.

Said property is known as 8479 MWC Road, Olive Branch, DeSoto County, Mississippi, 38654, and being designated Tax Parcel No. 1-06-4-19-28-0, but such address or designation is not a part of the legal description of the property sold herein and in the event of any discrepancy, the legal description herein shall control.

Said sale shall be made for cash to the highest and best bidder in cash subject to the following:

1. Any unpaid taxes against the property; and
2. Any recorded easements, conditions, covenants, rights-of-way or subdivision plats affecting the property; and
3. Any dedication of roads affecting the property and any governmental zoning and subdivision ordinances or regulations in effect; and
4. Any prior or superior liens, judgment, deeds of trust or other interests of record.

First Tennessee reserves the right to retain any escrows, reserves, security deposits, or other funds or rights to payment of funds and to apply the same in accordance with the terms and provisions of the Deed of Trust and related documents.

The right is reserved to adjourn the day of sale to another day and time certain, without further publication and in accordance with law, upon announcement of said adjournment on the day and time and place of sale set forth above.

The failure of any high bidder to pay the purchase price and close this sale immediately shall, at the option of the Trustee, be cause for rejection of the bid. The proceeds derived from the sale of the property will be applied as provided for in said Deed of Trust and are made a part hereof as if set forth verbatim herein.

This Notice of Sale has been posted and published in accordance with Miss. Code Ann. § 89-1-55 and any provisions of the Deed of Trust affecting same beginning February 7, 2012.

R. Spencer Clift, III

BAKER, DONELSON, BEARMAN, CALDWELL
& BERKOWITZ, P.C.
Suite 2000
165 Madison Avenue
Memphis, Tennessee 38103
901-577-2216

Published: The DeSoto Times Tribune
Hernando, Mississippi
Tuesday, February 7, February 14, February 21, and February 28, 2012